

1 JUDGE CHACHKIN: That's not the question, what does  
2 the word cognizable mean in that paragraph, in that sentence?

3 MRS. DUFF: To my understanding it means that a  
4 cognizable interest is a director, officer interest.

5 JUDGE CHACHKIN: Go ahead, that will have to stand,  
6 that's the witness's understanding of it.

7 BY MR. COHEN:

8 Q Now, I want to ask you about paragraph 46 of your  
9 testimony. Was the information that's set forth in paragraph  
10 46 ever told to NMTV directors who were not TBN employees?

11 A I don't know if it was or not.

12 Q Do you remember telling them?

13 A No.

14 Q Please turn to page 37 of your testimony.

15 MR. TOPEL: Which paragraph --

16 BY MR. COHEN:

17 Q Page 37, the second paragraph, it's not numbered.  
18 In the second paragraph you state, ma'am, that you generally  
19 are not involved in resolving engineering or construction  
20 problems at full power station. My question is when are you  
21 involved?

22 A Do you mean at TBN or what?

23 Q Your testimony says at TBM I generally am not  
24 involved --

25 A That's right.

1 Q -- in resolving engineering or construction problems  
2 at full power stations.

3 A That's true.

4 Q My question is, when are you involved?

5 A Well, I'm involved with the NMTV.

6 Q No, I'm not asking you about NMTV, I'm asking you  
7 about TBN, the sentence says, "At TBN I generally am not  
8 involved."

9 A That's correct.

10 Q That indicates to me sometime you are involved.

11 A There would be --

12 Q Am I reading that inaccurately?

13 A No, there would be rare occasions where I might be  
14 called upon to get involved with something that, say somebody  
15 else is not available, I might do something to help in, you  
16 know, in an emergency situation, but generally I am not  
17 involved with engineering, or construction problems.

18 I had a situation where at one time we had one of  
19 Mr. Crouch's assistants that left and I had to pick up and  
20 assist in a construction project, but that's not generally  
21 what I do for TBN.

22 Q But from time to time you do get involved, is that  
23 what you're saying?

24 A It's rare.

25 Q When's the last time you got involved in resolving

- 1 an engineering or construction problem?
- 2 A With TBN?
- 3 Q For TBN.
- 4 A Probably with our Atlanta station, TBN's Atlanta
- 5 Station.
- 6 Q And when did that occur?
- 7 A That was when it first went on the air.
- 8 Q When was that?
- 9 A In 1990.
- 10 Q Now, moving on in the middle of the paragraph you
- 11 state at NMTV stations, we have our own management engineers
- 12 and personnel.
- 13 A Right.
- 14 Q Now, by management, are you referring to Mr. Mr.
- 15 McCarr?
- 16 A Yes.
- 17 Q Are you referring to anybody else?
- 18 A To the Station's engineer.
- 19 Q Mr. Fountain?
- 20 A Yes. And he has an assistant engineer.
- 21 Q But that's what you meant by management?
- 22 A Yes.
- 23 Q And by Engineers, who did you mean?
- 24 A Mr. Fountain and his assistant.
- 25 Q And by personnel, I take it you meant the employees

1 at Portland?

2 A That's correct.

3 Q I want to ask you about paragraph 55 of your  
4 testimony. Now, where you state in the 8th line, that TBN's  
5 accounting and personnel departments have been available to  
6 assist in the administration of NMTV accounting. Tell me what  
7 NMTV's role is in the administration of its accounting?

8 A Okay. I haven't found where you --

9 Q Sure.

10 A Page 55?

11 Q No, I'm sorry. Page 38, paragraph 55, line 8. And  
12 to be fair to you, perhaps you should read the whole paragraph  
13 --

14 A Okay.

15 Q -- before you answer the question. If you need to.

16

17 A Okay, on what line are you -- I need you to restate  
18 the question.

19 Q Sure. I'm asking you about line 8, and I'm asking  
20 you about the words, the reference to the assist, see that,  
21 available to assist?

22 A Yes.

23 Q My question is, your answer -- your testimony states  
24 that TBN's accounting and personnel departments have been  
25 available to assist in the administration of NMTV accounting.

1 A Yes.

2 Q My question is what role does NMTV personnel play in  
3 the administration of NMTV accounting?

4 A Well, NMTV personnel -- NMTV employees, don't really  
5 get involved in the administration of the accounting. They  
6 just send -- they would send their petty cash receipts and  
7 that type of thing, but as far as the actual accounting, it's  
8 done by TBN.

9 Q Thank you.

10 MR. COHEN: I want to turn to another matter, Your  
11 Honor.

12 JUDGE CHACHKIN: All right.

13 BY MR. COHEN:

14 Q Now, am I correct, ma'am, that you speak on an as  
15 needed basis with Norman Juggert regarding TBN and NMTV  
16 matters on the telephone, is that right?

17 A Yes.

18 Q Now, I believe it was supplied in discovery,  
19 informal discovery, Mrs. Duff, you may or may not be aware of  
20 this, during the deposition of Mr. Juggert, there was supplied  
21 by Mr. Topel, through Mr. -- Mr. Juggert supplied through Mr.  
22 Topel, copies of his time sheets, for a few months, for work  
23 done on behalf of NMTV and TBN. And I just want to ask you  
24 about a few of the entries, I don't have copies, Your Honor,  
25 I'm not proposing to offer this.

1 JUDGE CHACHKIN: All right.

2 MR. COHEN: Unless it become necessary.

3 MR. TOPEL: Excuse me, Mr. Cohen.

4 JUDGE CHACHKIN: You don't have a copy of it?

5 MR. TOPEL: I don't have it with me.

6 MR. COHEN: First I'm going to show it to --

7 JUDGE CHACHKIN: He's going to show it to you.

8 MR. COHEN: First I'm going to show everything to  
9 Mr. Topel.

10 JUDGE CHACHKIN: No secrets from Mr. Topel.

11 MR. COHEN: Mr. Topel is familiar with these  
12 documents as is Mr. Shook. This is old news. And I'm going  
13 to, if the Judge permits, I think perhaps the best thing would  
14 be for Mr. Topel and I both to be able to show this to the  
15 witness, I mean, I want to show it to her, but I want Mr.  
16 Topel to --

17 MR. TOPEL: Go ahead. Proceed.

18 MR. COHEN: Okay.

19 JUDGE CHACHKIN: Show it to the witness.

20 MR. COHEN: Okay.

21 BY MR. COHEN:

22 Q What I'd like to ask you to do is to see if you  
23 could -- if you can do it, if you can't, you can't. This  
24 first document refers to billings for October of '92, and  
25 there's a reference here in a number of places to you, October

1 12, telephone call with Jane Duff.

2 MR. TOPEL: Your Honor, I just want to make clear  
3 for the witness, since this was not a document she produced.

4 MR. COHEN: Yes, she did not.

5 MR. TOPEL: That this is a statement to Trinity  
6 Broadcasting Network from Mr. Juggert.

7 MR. COHEN: Absolutely correct.

8 BY MR. COHEN:

9 Q Now, is it possible, do you speak to Mr. Juggert so  
10 often that looking at this is helpful in refreshing your  
11 recollection as to what you would talk to him about, or is it  
12 not because it was in 1992 and you speak to him so frequently?

13 A In 1992, I probably would have a hard time relating  
14 it with the type of cryptic notes he has here.

15 Q Very well.

16 A It would be difficult.

17 Q I'll accept that.

18 MR. COHEN: I don't think this is helpful, Your  
19 Honor, I'll pass on to something else. I don't want to burden  
20 the record.

21 BY MR. COHEN:

22 Q If I've asked you this question, Mr. Topel I'm sure  
23 will remind me that -- I don't wish to ask it twice. Was  
24 there a corporate resolution of NMTV rescinding the decision  
25 to go forward with the Community Brace Project?

1 A I don't believe it was ever put into writing.

2 Q Now, the Commission's designation order in this  
3 proceeding, ma'am, was released in April of this year, in  
4 1993. And my question is since the Commission's designation  
5 order was released, has NMTV made any changes in the way it  
6 conducts its activities?

7 A No.

8 Q And to be specific, it still has the same attorneys  
9 representing it, correct?

10 A That's correct.

11 Q And it still has the same accounting firm, right?

12 A Yes.

13 Q And the same consulting engineers.

14 A Yes.

15 Q Now, since the time the designation order has been  
16 released, has NMTV's relationship to Trinity changed in any  
17 way?

18 A No.

19 Q Does Ty Brown still represent NMTV?

20 A That was for a brief period of time.

21 Q For how long did Mr. Brown's firm represent NMTV?

22 A Just a few months, I can't really tell exactly.

23 Q Now, his -- his representation is the subject of  
24 several documents that were turned over in discovery. And  
25 there were letters that were going back and forth between Mr.



1 Brown and Officers of NMTV. Did -- was there any  
2 correspondence concerning Mr. Brown's no longer representing  
3 NMTV?

4 A I don't believe there was. Unless it came from Mr.  
5 May and we produced everything, so if it's not there, I guess  
6 there wasn't any.

7 Q Are you aware of any correspondence between NMTV and  
8 Mr. Brown severing his relationship with NMTV?

9 A I don't believe so.

10 JUDGE CHACHKIN: Are you finished with this subject  
11 now?

12 MR. COHEN: I have one question about this.

13 JUDGE CHACHKIN: Go ahead.

14 BY MR. COHEN:

15 Q Was there a board minute or a board meeting which  
16 dealt with the question of Mr. Brown no longer representing  
17 NMTV?

18 A Not to my recollection.

19 Q And there was no board minute?

20 A I don't believe so.

21 MR. COHEN: Thank you, Your Honor.

22 JUDGE CHACHKIN: We'll take a ten minute recess.

23 (Off the record.)

24 (Back on the record.)

25 JUDGE CHACHKIN: Please be seated. On the record,

1 Mr. Cohen?

2 MR. COHEN: Yes, sir.

3 BY MR. COHEN:

4 Q Do you recall, Mrs. Duff, that the Commission wrote  
5 a letter to NMTV and to Trinity dated March 30, 1992, I don't  
6 have it in front me, but I hopefully, we can get a stipulation  
7 on that.

8 MR. TOPEL: I don't remember. I wasn't involved at  
9 that time, and I --

10 JUDGE CHACHKIN: Well, the question is does she  
11 recall?

12 MR. COHEN: Yeah, it's important that I lay that  
13 foundation, but this was a letter that required extensive  
14 responses on the part of NMTV and Trinity? I can show you  
15 correspondence from Colby May in which he refers to this, I  
16 mean it's not really in dispute that such a letter was  
17 written.

18 JUDGE CHACHKIN: Do you have recollection of such a  
19 letter?

20 MRS. DUFF: Not -- I can't focus on specifically  
21 what it was about.

22 MR. COHEN: Well, let me -- I'll have to spend the  
23 time to find it then, Your Honor. I didn't think this would  
24 be a problem.

25 MR. TOPEL: I know what you're referring to.

1 MR. COHEN: Yeah, I didn't think it would be a  
2 problem, so that's why I'm not prepared to -- but I'll have to  
3 take a minute, may I have a minute, Your Honor, to find it?

4 JUDGE CHACHKIN: Yes. Go off the record.

5 (Off the record.)

6 (Back on the record.)

7 JUDGE CHACHKIN: Back on the record.

8 MR. COHEN: I want the witness to look at Glendale  
9 Exhibit 198. It's a letter to me, Mrs. Dunne -- Mrs. Duff,  
10 from Colby May.

11 JUDGE CHACHKIN: What exhibit is that again?

12 MR. COHEN: 198, Your Honor. It's not a joint  
13 exhibit.

14 JUDGE CHACHKIN: Is it your exhibit we're talking  
15 about?

16 MR. COHEN: No, no, Glendale.

17 JUDGE CHACHKIN: Glendale Exhibit.

18 MR. COHEN: I'm sorry, Your Honor, if I wasn't clear  
19 before.

20 MRS. DUFF: 19 --

21 BY MR. COHEN:

22 Q 198.

23 A 198.

24 Q The only, ma'am, I'm referring you to that letter is  
25 to try to place in your mind the letter that Mr. May was

1 writing you about.

2 A Okay. I have that --

3 Q It's an important letter from the Commission, and he  
4 asked for a whole bunch of information.

5 A Okay. I have the letter from Mr. May.

6 Q Yes. Does this refresh your recollection?

7 A As to the Commission's letter?

8 Q Yes.

9 A I know there was a letter, but I don't remember what  
10 all was on it, or in it.

11 Q I see.

12 MR. COHEN: Your Honor, I must confess that I felt  
13 that this would be more clear and I apologize. It's  
14 important, and I could go back to this, but it's important for  
15 purposes of this line of inquiry for the witness to be aware  
16 of the Commission's letter, I thought it would be something  
17 that she would recall well, and obviously I'm in error. But -  
18 -

19 JUDGE CHACHKIN: You want her to recall the  
20 specifics of the Commission letter --

21 MR. COHEN: No.

22 JUDGE CHACHKIN: -- or any particular part of the  
23 letter?

24 MR. COHEN: The letter asked for a huge amount of  
25 information, a large amount of information.

1 JUDGE CHACHKIN: Well, that's indicated in the  
2 letter to Ms. Duff.

3 MR. COHEN: Yes, and I'm -- I did not --

4 JUDGE CHACHKIN: Or Mr. May, I'm sorry.

5 MR. COHEN: I did not expect the witness to remember  
6 --

7 JUDGE CHACHKIN: What's your question, what do you  
8 want to ask her?

9 MR. COHEN: I want her to recall what the letter was  
10 about, if she doesn't recall what the letter --

11 JUDGE CHACHKIN: Well, let's find out if she  
12 recalls. Do you recall this conversation with Mr. May?

13 MRS. DUFF: Yes.

14 JUDGE CHACHKIN: And do you recall conversation in  
15 the -- as reflected in this Exhibit that Mr. May told you that  
16 the FCC wished that -- wanted to obtain a great deal of  
17 information.

18 MRS. DUFF: Right but --

19 JUDGE CHACHKIN: What do you want to know about it,  
20 Mr. --

21 MR. COHEN: That's fine.

22 JUDGE CHACHKIN: All right.

23 BY MR. COHEN:

24 Q You recall what the Judge just addressed to you?

25 A Yeah, I know that there was a letter, but I don't

1 remember the content of it, what the FCC asked for.

2 Q I understand that. Okay. Now, the FCC asked for a  
3 lot of information, which was supplied by NMTV.

4 MR. COHEN: Your Honor, I think in fairness to the  
5 witness, that I need to show his letter. It's not fair to ask  
6 her the questions about -- ask these questions, and I'll do  
7 it, if I'm not done, I'll ask you for just a brief recess to  
8 get the letter. Otherwise --

9 JUDGE CHACHKIN: Well, why don't you continue on  
10 with other subjects and get back to this.

11 MR. COHEN: Yeah, I will, I will. Because it  
12 doesn't make sense, Your Honor.

13 JUDGE CHACHKIN: All right, if you need the letter,  
14 then --

15 MR. COHEN: I do need the letter, I realize that  
16 now, and I'm sorry I don't have it here. I apologize to you  
17 and the parties.

18 BY MR. COHEN:

19 Q Now, I want to turn to Reverend Aguilar as a  
20 Director of NMTV. And he served as a Director, and the record  
21 will reflect when he did, it's not in dispute. Do you believe  
22 that Reverend Aguilar fulfilled his responsibilities as a  
23 Director of NMTV while he served in that capacity?

24 A David was -- faithfully attended a majority of the  
25 meetings, even during the years when there was almost no --

1 MR. TOPEL: Excuse me, the question was Aguilar,  
2 wasn't it?

3 MR. COHEN: Yes, Aguilar.

4 MR. TOPEL: I'm sorry. And the response is David,  
5 which is Espinoza.

6 MR. COHEN: Thank you, Mr. Topel.

7 MRS. DUFF: Thank you.

8 MR. COHEN: I didn't want to interrupt the witness.

9 MR. TOPEL: I apologize, Your Honor, I think we --

10 JUDGE CHACHKIN: Yes, I think that's helpful.

11 BY MR. COHEN:

12 Q We're talking about now Pastor Aguilar, Phillip  
13 Aguilar, whom you recall was a Director and a Vice President?

14 A Yes.

15 Q Okay. And if you need to, I can find the dates that  
16 he served as a Director, if you need that, it's in the record.  
17 My question is, did you believe -- or do you believe that Mr.  
18 Aguilar fulfilled his responsibilities as a Director while he  
19 served in that capacity?

20 A Yes.

21 Q Now, You testified earlier that he attended most of  
22 the meetings, the meetings of NMTV while he served as a  
23 Director?

24 A Yeah, he missed a few, but I think he attended the  
25 majority of the meetings.

1 MR. COHEN: Your Honor, I --

2 JUDGE CHACHKIN: How many meetings were there that

3 --

4 MR. COHEN: Well, I'm going to get to that right  
5 this second. I wonder if we could get a stipulation from  
6 Counsel. My information which is as follows that August 15,  
7 1990, Pastor Aguilar was elected to the Board and attended the  
8 meeting. The Board meeting. That on October 5, 1990, and the  
9 Exhibit Numbers here are --

10 MR. TOPEL: Mr. Cohen, could I have one second?

11 MR. COHEN: Of course, I'll give you the Exhibit  
12 Numbers.

13 MR. TOPEL: I just need my own Exhibits.

14 MR. COHEN: That was Exhibit 318, Your Honor, the  
15 first one, when he was elected.

16 JUDGE CHACHKIN: You're referring to Mass Media  
17 Exhibits at this point, correct?

18 MR. TOPEL: I'm going to be referring to Tab EE of  
19 Exhibit 101.

20 MR. COHEN: Tab EE?

21 MR. TOPEL: That's all the minutes starting on page  
22 -- that's all the minutes from 1987 forward.

23 MR. COHEN: But this list was provided to me by  
24 Bureau Counsel, Your Honor, and I'd like to read it into the  
25 record, so we can get a stipulation.



1 JUDGE CHACHKIN: Well, let me see.

2 MR. COHEN: First is Bureau Exhibit 318, August 15,  
3 1990, Aguilar attended and was elected to the Board.

4 MR. TOPEL: Give me one second, Mr. Cohen, I'll be  
5 right with you. Okay.

6 MR. COHEN: On Bureau Exhibit 327, October 5, 1990,  
7 Mr. Aguilar was not there, he did not attend. It was a proxy  
8 meeting.

9 MR. SHOOK: And a signed consent on the minutes.

10 MR. COHEN: He wasn't present for the meeting,  
11 that's what I'm talking about. Attending the meetings.  
12 January 21, 1991, Exhibit 338. Reverend --

13 JUDGE CHACHKIN: Bureau Exhibit 338.

14 MR. COHEN: Reverend Aguilar was not there. And he  
15 gave a proxy. Did not attend. June 5, 1991, Exhibit 348,  
16 Reverend Aguilar was not there.

17 MR. TOPEL: Would you -- that's Bureau Exhibit --

18 MR. COHEN: 348.

19 MR. SCHONMAN: That's April 5, Your Honor.

20 JUDGE CHACHKIN: Excuse me?

21 MR. COHEN: April 5, 1991. He was not there and he  
22 approved of the minutes on April 16, but he was not present.

23 MR. TOPEL: Okay. April 5. Okay.

24 MR. COHEN: June 27, 1991, he was present. And  
25 there was a telephone call, conference call on October 2nd,

1 1991, which he participated in. Can we get a stipulation?

2 MR. TOPEL: Well, no, Your Honor, unless the record  
3 is going to be complete because we have -- I don't know if  
4 this counts as a meeting, but we have an action by unanimous  
5 written consent?

6 MR. COHEN: No. I'm not talking about that --

7 MR. TOPEL: Okay --

8 JUDGE CHACHKIN: Talking about physical --  
9 physically present.

10 MR. TOPEL: Okay.

11 MR. COHEN: Physical presence at a meeting, that's  
12 all I'm asking you.

13 MR. TOPEL: January 14, 1992, all the board members  
14 were present and participating in this meeting.

15 MR. COHEN: What date is that?

16 MR. TOPEL: January 14, 1992, Tab EE --

17 MR. COHEN: Yes.

18 MR. TOPEL: -- Exhibit TBF Exhibit 101. I have EE,  
19 page 34. Then we have May 8th --

20 MR. COHEN: What date was that?

21 MR. MULLIN: January 14, 1992.

22 MR. TOPEL: January 14, 1992.

23 MR. COHEN: Okay.

24 MR. TOPEL: Then we have May 8, 1992.

25 MR. COHEN: I want --

1 MR. TOPEL: Special meeting -- well, the question  
2 that you asked the witness was --

3 JUDGE CHACHKIN: Go ahead, Mr. Topel, go ahead.

4 MR. TOPEL: Yes, excuse me. May 8, 1992, special  
5 meeting, was attended by Phil Aguilar, and others.

6 MR. COHEN: Well, I -- let me interrupt to say, Your  
7 Honor, that I want to refine my question and I want to make it  
8 for a different time frame. And I'll go on the record and do  
9 that, and Mr. Topel is free on re-direct to extend the time  
10 frame. But I want to ask the witness a question. As of April  
11 -- as of October 1, 1991, is the date I want to ask you about.  
12 I don't want to be coy with you. I want you to look at the  
13 letter that was written by Joe Dunne on October 1, 1991,  
14 ma'am.

15 JUDGE CHACHKIN: Which is where?

16 MR. COHEN: Which is Bureau -- which is Glendale  
17 Exhibit Number 197.

18 MR. SHOOK: Just so the record is clear, it will  
19 appear in the record as Bureau Exhibit 376.

20 MR. COHEN: Oh, I didn't realize that was a joint  
21 exhibit.

22 MR. SHOOK: All right, all right.

23 JUDGE CHACHKIN: All right, Bureau Exhibit 376.

24 MR. TOPEL: Do you have that, Mrs. Duff?

25 MRS. DUFF: I have it.

1 MR. TOPEL: Bureau Exhibit 376?  
2 MRS. DUFF: I have Glendale's Exhibit.  
3 MR. COHEN: It's --  
4 MRS. DUFF: The October 1, 1991 letter?  
5 MR. COHEN: Yes.  
6 MRS. DUFF: Yes.  
7 JUDGE CHACHKIN: She could use that as a reference.  
8 BY MR. COHEN:  
9 Q Now, first you were sent a copy of that letter,  
10 correct, Mrs. Duff?  
11 A Yes.  
12 Q Okay. And my first question is were you aware as of  
13 the date that you received this letter that NMTV had hired a  
14 private investigator to get facts about Reverend Aguilar's  
15 criminal record?  
16 A Yes.  
17 Q You knew about that prior to October 1, 1991?  
18 A I actually was the one that went to the Detective  
19 Agency.  
20 Q I see.  
21 A I made contact.  
22 Q And you did that for what reason?  
23 A Because we were up against a deadline, and we  
24 weren't able to get response from Reverend Aguilar or his  
25 office, in a timely manner, and so we felt it was necessary to

1 -- he also didn't seem to focus on what it was we really  
2 wanted. And so we had to go to this extreme measure in order  
3 to get the information in a timely manner.

4 Q And what information was Reverend Aguilar not  
5 willing to provide that caused you to hire a private  
6 investigator?

7 A It happened we needed information regarding his  
8 felony conviction which occurred many, many years ago, and he  
9 didn't seem to be able to tell us exactly what those charges  
10 were so we had to be able to report this to the FCC.

11 Q And you tried to obtain that information from  
12 Reverend Aguilar and you were unsuccessful --

13 A Yes.

14 Q -- is that correct? Now, will you look at page 2 of  
15 that letter, where he states "I also note that since he was  
16 elected to the Board of Directors, Reverend Aguilar has only  
17 attended two out of five board meetings, do you see that?

18 A Yes.

19 Q Okay. Now, as of October 1, 1991, would you agree  
20 that that was an accurate statement?

21 MR. TOPEL: Your Honor, this exact question was  
22 asked I think this morning.

23 JUDGE CHACHKIN: I don't believe that specific  
24 question was asked.

25 MR. COHEN: I don't recall it.

1 MR. TOPEL: If Your Honor is uncertain, go ahead.

2 BY MR. COHEN:

3 Q As of October, 19 -- October 1, 1991, would you  
4 agree that he had only attended two out five board meetings?

5 A Well, I don't have it -- you know, I don't keep in  
6 my head the exact meetings, you know, how many were -- how  
7 many occurred between that date and you know, I just didn't  
8 keep up with it, when you were rattling them off so fast. So  
9 I don't know whether that's absolutely accurate or not.

10 Q Well, Your Honor --

11 A I don't remember when the telephone calls were  
12 either, in time, you know, in what time sequence they --

13 Q So as of October, when you got this letter from Mr.  
14 Dunne, back in October 1, of '91, and you read that sentence,  
15 that he had only attended two out of five Board meetings, what  
16 I want to know is did you recall that as accurate or  
17 inaccurate?

18 A I thought it was a little bit out of line.

19 Q You thought it was inaccurate?

20 A Yes, I did.

21 Q Did you go back and check the Corporate records --

22 A No.

23 Q -- to reflect -- to see how many meetings he had  
24 attended?

25 A No, I didn't.

1 Q And did the fact that are set forth in that letter,  
2 and I've only addressed two of them, did those in fact set  
3 forth in the letter of your counsel cause you to raise a  
4 question in your mind as to Reverend Aguilar had fulfilled his  
5 responsibilities as a Director of NMTV as of October 1, 1991?

6 A I had some concerns.

7 Q And had you satisfied those concerns?

8 A I really felt that Reverend Aguilar's attentions  
9 were directed in other areas at that particular time. He had  
10 a large church and he was having some problems. And I just  
11 assumed that he was not able to spend as much time in  
12 assisting NMTV as he had in the beginning.

13 Q Didn't the facts that are set forth in Joe Dunne's  
14 letter, plus your own knowledge cause you to believe that  
15 Reverend Aguilar had not fulfilled his responsibilities as a  
16 Director of NMTV?

17 A I would say at that point it was marginal.

18 Q You mean his performance was marginal in your mind?

19 A Because of his other -- the problems that he was  
20 facing, and he wasn't able to give as much attention to us,  
21 and I was clearly upset about the fact that we couldn't get  
22 this information from him in a timely way.

23 Q And isn't point of fact, isn't it true that as of  
24 October 1, 1991, you had substantial reservations about  
25 Reverend Aguilar's performance as a Director?

1           A     I was at a point where I was not really happy about  
2     --

3           Q     You said his performance was marginal, isn't that  
4     what your report says?

5           A     Yes.

6           Q     And that was your state of mind as of October 1,  
7     1991?

8           A     After this episode of not being able to get the  
9     information.

10          Q     So that was your state of mind as of October 1?

11          A     Right, at that particular moment it was.

12          Q     Now, I want to show you a document.

13               MR. COHEN: I'd like to have it marked for  
14     identification, it's request for declaratory ruling, Your  
15     Honor, filed by NMTV on November 18, 1991, and the reason --  
16     there's no date on the document, but the Commission's  
17     designation order in paragraph 6, states it was filed in  
18     November 18th. What's my next number, Your Honor?

19               JUDGE CHACHKIN: The next number is 216. The  
20     document entitled "Request for declaratory ruling of National  
21     Minority T.V., Inc." will be marked for identification as  
22     Glendale Exhibit 216.

23                               (Whereupon, the document referred to  
24                               as Glendale Exhibit No. 216 was  
25                               marked for identification.)



1 BY MR. COHEN:

2 Q Now, this document that you have before, you ma'am,  
3 was signed by your counsel, do you see that, and it's signed  
4 by Mr. Dunne and -- it was signed by Mr. Dunne on behalf of  
5 Colby May and himself, do you see that?

6 A Yes.

7 Q And you accepted the fact, because I just told you  
8 what the Commission's designation order said, that this  
9 document was filed on November 18, 1991. Now, my question is  
10 do you recall seeing this document before it was filed?

11 A I think I did.

12 Q I'm sorry, I didn't hear you.

13 A I think I did, without, you know, really reviewing  
14 it --

15 Q Spend as much time as you need, it's a fairly  
16 important matter, so I'd like your considered answer and not a  
17 fast one, a considered.

18 A I'm pretty sure that I did read it.

19 Q Wasn't it -- wouldn't it have been Mr. May's  
20 practice to send you a copy of such an important document for  
21 you to look at before he filed it?

22 A Yes.

23 Q And in point of fact, you reviewed it, didn't you?

24 A I'm sure I did.

25 Q And after it was filed, he sent you another copy,